

1 *STIPULATING PARTIES AND COUNSEL*  
2 *LISTED ON SIGNATURE PAGES*

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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

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14 In re CATHODE RAY TUBE (CRT)  
15 ANTITRUST LITIGATION

Case No. 07-5944 SC

MDL No. 1917

16 This Document Relates to:

17 *Costco Wholesale Corp. v. Hitachi, Ltd., et al.,*  
18 No. 11-cv-06397

**STIPULATION AND [PROPOSED]  
ORDER REGARDING COSTCO'S FIRST  
AMENDED COMPLAINT**

1 Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiff Costco Wholesale Corp.  
2 (“Costco”) and defendants Samsung SDI America, Inc., Samsung SDI Co., Ltd., Samsung SDI  
3 (Malaysia) Sdn. Bhd., Samsung SDI Mexico S.A. de C.V., Samsung SDI Brasil Ltda., Shenzhen  
4 Samsung SDI Co. Ltd. and Tianjin Samsung SDI Co., Ltd. (collectively, “SDI”) have conferred by  
5 and through their counsel and, subject to the Court’s approval, hereby stipulate as follows:

6 WHEREAS, on November 14, 2011, Costco filed a Complaint in the Western  
7 District of Washington, *Costco Wholesale Corp. v. Hitachi, Ltd.*, Case No. 2:11-cv-01909-RSM;

8 WHEREAS, on November 28, 2011, the Judicial Panel on Multidistrict Litigation  
9 issued a conditional transfer order pursuant to 28 U.S.C. § 1407, transferring the Costco action to  
10 the Northern District of California, to be consolidated with MDL No. 1917, *In re Cathode Ray*  
11 *Tube (CRT) Antitrust Litigation*, No. 07-cv-5944-SC (the “MDL”);

12 WHEREAS, the Costco Action was transferred to the Northern District of  
13 California;

14 WHEREAS, on March 26, 2013, Direct Action Plaintiffs filed a Motion for Leave  
15 to File Amended Complaints (Dkt. No. 1609), which included a request by Costco to amend its  
16 complaint to add SDI as a defendant;

17 WHEREAS, on June 28, 2013, the Interim Special Master issued a Report and  
18 Recommendation Regarding Direct Action Plaintiffs’ Motion for Leave to Amend (the “Report  
19 and Recommendation”) (Dkt. No. 1751), recommending, *inter alia*, that the Court grant Costco’s  
20 request to amend its complaint to add SDI as a defendant;

21 WHEREAS, on September 26, 2013, the Court issued an order adopting the Interim  
22 Special Master’s recommendation that Costco be allowed to amend its complaint to add SDI as a  
23 defendant (Dkt. No. 1959);

24 WHEREAS, on October 3, 2013, Costco filed a First Amended Complaint in the  
25 Northern District of California, *Costco Wholesale Corporation v. Hitachi, Ltd.*, Case No. 3:11-cv-  
26 06397, Master File No. 3:07-cv-05944-SC (Dkt. No. 1982) (“First Amended Complaint”), naming  
27 SDI as a defendant;

WHEREAS, SDI has not yet been formally served with process;

WHEREAS, counsel for SDI and counsel for Costco have met and conferred and have agreed to an extension of time for SDI to respond to Costco's First Amended Complaint;

WHEREAS, no previous time modifications have been granted with respect to Costco's First Amended Complaint and entry of this stipulation will not affect the remaining schedule for this action;

IT IS HEREBY STIPULATED AND AGREED by and between counsel for Costco and SDI, as follows:

1. SDI shall be deemed served with Costco's First Amended Complaint as of the date of execution of this Stipulation by the undersigned parties;

2. SDI's answer to, or motion to dismiss, Costco's First Amended Complaint shall be due by November 4, 2013;

3. The undersigned parties jointly and respectfully request that the Court enter this stipulation as an order.

Dated: October 9, 2013

By: /s/ Tyler M. Cunningham  
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*Attorneys for Plaintiff Costco Wholesale  
Corporation*

1 PURSUANT TO STIPULATION, AND GOOD CAUSE APPEARING THEREFORE,  
2 IT IS SO ORDERED.  
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4 DATED: \_\_\_\_\_  
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6 HONORABLE SAMUEL CONTI  
UNITED STATES DISTRICT COURT JUDGE  
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**E-FILER'S ATTESTATION**

I, Tyler M. Cunningham, am the ECF user whose ID and password are being used to file the Stipulation And [Proposed] Order Regarding Costco's First Amended Complaint. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each listed counsel above has concurred in this filing.

Dated: October 9, 2013

/s/ Tyler M. Cunningham

Tyler M. Cunningham